

**ATTACHMENT A**  
**DRAFT**  
**Bend Comprehensive Plan and Bend Development Code Update**  
**March 8, 2022**

Prepared by:  
City of Bend Planning Division

**Note:**

Text in underlined typeface is proposed to be added

Text in strikethrough typeface is proposed to be deleted

\*\*\*Indicates where text from the existing code has been omitted because it will remain unchanged.

Staff comments are ***bold and italicized***

**BEND COMPREHENSIVE PLAN**

**Chapter 5: Housing**

**Shelters and Transitional Housing**

~~5-57 The City will support removing barriers for the development of shelters and other types of supportive and transitional housing in all plan designations, except Industrial General (IG), for people who lack housing.~~

**Chapter 6: Economy**

**Inclusive Economy**

~~6-43 The City will work with public agencies and community partners to support solutions for houselessness. This includes finding ways to keep people in their homes, provide temporary transitional housing, increase the availability of affordable housing, and provide flexible shelter and housing options for people experiencing hardships due to economic instability and other legitimate reasons.~~

~~6-44 The City will help people experiencing houselessness through adoption of policies, with municipal and Development Code changes, funding, and collaboration with public agencies and non-profits to enable additional supports and services such as shelters and safe parking options.~~

~~6-45 The City will support and partner with local nonprofits and trained professionals as they provide direct services to individuals and families experiencing houselessness.~~

\*\*\*

## BEND DEVELOPMENT CODE

### Chapter 1.2

#### DEFINITIONS

\*\*\*

**Hardship Housing** means a shelter used for a limited period by people who lack housing, or during situations such as a medical emergency or the destruction of a primary dwelling unit by fire, flood or another calamity. See BDC 3.6.400(H).

\*\*\*

**Recreational vehicle** means a vehicle with or without motive power that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the Director of the Department of Consumer and Business Services-Transportation. *(Added by the Planning Commission on March 8, 2022)*

\*\*\*

**Shelter** means a location for overnight accommodation of people who lack housing. A shelter is either a group shelter, outdoor shelter, or a multi-room shelter. See BDC 3.6.600, Shelters.

1. **Group shelter** means a building that contains one or more open sleeping areas, or is divided only by nonpermanent partitions, furnished with cots, floor mats, bunks, or other sleeping accommodations, for use as a shelter. See BDC 3.6.600, Shelters.
2. **Outdoor shelter** means a site on which multiple mobile or permanent units including tents, yurts, huts, cabins, manufactured dwellings, recreational vehicles, travel trailers, and other similar structures are placed for use as a shelter. See BDC 3.6.600, Shelters.
3. **Multi-room shelter** means a building that contains individual sleeping rooms for use as a shelter. See BDC 3.6.600, Shelters.

**Shelter, Temporary** means group shelters, multi-room, or outdoor shelters used for a limited period. See BDC 3.6.400(I). For temporary hardship housing, see Hardship Housing and BDC 3.6.400(H).

\*\*\*

**Temporary housing** means a permanent facility providing temporary shelter for individuals and/or families who are homeless or in transition. Services may be provided including, but not limited to, accommodations, meals, toilet/bathing facilities, clothing/laundry, case management services and information on or referral to other community resources.

\*\*\*

## Chapter 2.1

### Residential Districts (UAR, RL, RS, RM-10, RM RH)

\*\*\*

#### 2.1.200 Permitted and Conditional Uses.

\*\*\*

**Table 2.1.200 – Permitted and Conditional Uses**

*(Other uses in Table 2.1.200 remain unchanged)*

Land Use	RL	RS	RM-10	RM	RH	UAR
<b>Residential</b>						
<del>*Temporary housing</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>N</del>
<b>Miscellaneous Uses</b>						
<u>*Shelters</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

\*\*\*

**Chapter 2.2**  
**COMMERCIAL ZONING DISTRICTS (CB, CC, CL, CG)**

\*\*\*

**2.2.300 Permitted and Conditional Uses.**

\*\*\*

**Table 2.2.300 – Permitted and Conditional Uses**  
*(Other uses in Table 2.2.300 remain unchanged)*

Land Use	CB	*CC	CL	CG
<b>Residential</b>				
*Temporary housing	C	N	P	P
<b>Miscellaneous Uses</b>				
*Shelters	P	P	P	P

\*\*\*

**Chapter 2.3**  
**MIXED-USE ZONING DISTRICTS (ME, MR, PO, MU, and MN)**

\*\*\*

**2.3.200 Permitted and Conditional Uses.**

\*\*\*

**Table 2.3.200**

**Permitted and Conditional Uses**

*(Other uses in Table 2.3.200 remain unchanged)*

Land Use	ME	MR	PO	MU	MN
<b>Residential</b>					
Temporary housing*	L [see subsection (C)(1) of this section]	N	L [see subsection (C)(1) of this section]	P	C
<b>Miscellaneous Uses</b>					
*Shelters	P	P	P	P	P

\*\*\*

**Chapter 2.4**

**INDUSTRIAL ZONING DISTRICTS (IG, IL)**

\*\*\*

**2.4.300 Permitted and Conditional Uses.**

\*\*\*

**Table 2.4.300 – Permitted and Conditional Uses**

*(Other uses in Table 2.4.300 remain unchanged)*

Land Use	IG	IL
<b>Miscellaneous Uses</b>		

**Table 2.4.300 – Permitted and Conditional Uses**

*(Other uses in Table 2.4.300 remain unchanged)*

Land Use	IG	IL
<u>*Shelters</u>	<u>N</u>	<u>P</u>

\*\*\*

## Chapter 2.6

### PUBLIC FACILITIES ZONING DISTRICT (PF)

\*\*\*

#### 2.6.200 Permitted and Conditional Uses.

\*\*\*

**Table 2.6.200 – Permitted and Conditional Uses**

*(Other uses in Table 2.6.200 remain unchanged)*

Land Use	PF
<u>*Shelters</u>	<u>P</u>

\*\*\*

## Chapter 2.7

### Special Planned Districts, Refinements Plans, Area Plans and Master Plans.

\*\*\*

## Article II. NorthWest Crossing Overlay Zone

#### 2.7.300 NorthWest Crossing Overlay Zone.

\*\*\*

#### 2.7.320 Districts.

\*\*\*

#### H. Commercial/Mixed Employment Overlay District.

1. Purpose and Applicability. This district applies to all land zoned Commercial Limited and Mixed Employment within the NorthWest Crossing Overlay District. The purpose of this district is to allow a special front yard setback that is not permitted in the underlying Commercial Limited and Mixed Employment Zones and to create parking districts. The purpose of the parking districts is to allow minimum parking needs to be met in common, shared, off-site parking lots. The special setback and parking districts will create a pedestrian-friendly, main-street environment.
2. Uses Permitted.
  - a. The permitted uses ~~allowed~~ in the underlying Commercial Limited, ~~except temporary housing,~~ and Mixed Employment Zones are allowed unless otherwise specified in Table 2.7.320A, which controls where conflicts exist.
3. Conditional Uses.
  - a. Conditional uses permitted in the underlying Commercial Limited and Mixed Employment Zones subject to a Conditional Use Permit and the provisions of BDC Chapter 4.4. ~~Temporary housing is also a conditional use in the Commercial Limited (CL) District.~~ In addition to the conditional uses identified in BDC Chapter 2.3 for the Mixed Employment Zone, there are certain uses that require a Conditional Use Permit if sited on site-specific properties. These uses and properties are identified in Table 2.7.320A.

**Table 2.7.320A**

***(Other uses in Table 2.7.320A remain unchanged)***

The Special Land Use Limitations shown in the following table apply in the Commercial/Mixed Employment Overlay District on the following specific lots fronting on Mt. Washington Drive, south of NW Clearwater Drive: District 1, Lot 17; and District 2, Lots 2 and 3.

Land Use	ME
<b>Residential</b>	
<del>Temporary Housing * as a secondary use</del>	<del>E</del>

\*\*\*

**I. Industrial Employment Overlay District.**

\*\*\*

- 2. Uses Permitted.** The following uses are permitted in the Industrial Employment Overlay District subject to the provisions of BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review.

\*\*\*

u. Shelters, see BDC 3.6.600.

\*\*\*

**Article III. Dean Swift Refinement Plan Development Standards**

\*\*\*

**2.7.400 Dean Swift Refinement Plan Development Standards.**

\*\*\*

- B. Use Standards. The special standards of the Dean Swift Refinement Plan area supersede the standards of the underlying zone. Where no special standards are provided, the applicable standards of the underlying zone apply.

\*\*\*

2. Modified Mixed Employment Overlay.

- a. The permitted and conditional uses in the Mixed Employment Zone are very diverse. Some of the uses in the ME Zone could adversely impact the residential character of the Dean Swift neighborhood, thereby obstructing the intent and purpose of the overlay. For this reason, the overlay zone will restrict the permitted and conditional uses for this area. ME uses within the Dean Swift Refinement Overlay will be limited to the following permitted and conditional uses.
- b. Permitted Uses.
- i. Service commercial and retail uses, excluding drive-through service.
  - ii. Professional office, excluding medical uses.
  - iii. Residential housing located above or behind a permitted or conditional use.
  - iv. Auto-related/auto-dependent uses when contiguous to a Commercial Zone.
  - v. Shelters, see BDC 3.6.600

\*\*\*

- J. Design Standards. The design standards are intended to provide detailed human-scale design to preserve the quaint character of the neighborhood while allowing flexibility to develop a variety of building types.

All single-unit detached dwellings, duplexes, triplexes, quadplexes, cottage clusters, developments, townhomes, multiple-units, shelters, and mixed-use and commercial buildings must comply with all of the following standards. The illustrations provided are intended to show how to comply, not restrict building types. Other building types and designs can be used to comply so long as they are consistent with the design standards.

\*\*\*

## Article IV. Medical District Overlay Zone

\*\*\*

### 2.7.520 Permitted Land Uses.

**Table 2.7.520 Permitted Uses within the Medical Services District Overlay Zone  
(Other uses in Table 2.7.520 remain unchanged)**

Land Use	RM	RH	CC
<b>Miscellaneous Uses</b>			
<u>Shelters, see BDC 3.6.600</u>	<u>P</u>	<u>P</u>	<u>P</u>

\*\*\*

### 2.7.540 Special Development Standards.

Within the Medical Services District Overlay Zone certain nonmedical uses are permitted or conditionally allowed within the RM and RH Zones. These uses are intended to support the medical services uses and their customers.

A. Nonmedical Uses. Nonmedical uses excluding residential and shelter uses as specified in Table 2.7.520 ~~shall~~ must be developed in conformance with the following special standards:

1. Nonmedical uses may be allowed when accessory to a medical use building or development provided the gross floor area of the accessory use does not exceed 4,000 square feet in area for buildings less than 50,000 square feet. For medical buildings with a gross floor area greater than 50,000 square feet, no more than 10 percent of the gross floor area of the building may be occupied by an accessory nonmedical use, unless otherwise approved through a conditional use permit.
2. Except for hotels, nonmedical uses may occur within the Medical Service District Overlay Zone as a stand-alone business provided the total gross floor area of any individual building does not exceed 4,000 square feet or, where more than one nonmedical use shares one building, the total building area does not exceed 8,000 square feet.

3. Hotels may be developed as a stand-alone business within the Medical Service District Overlay Zone provided 75 percent of the guest rooms are designed and furnished for multi-night stays by providing in-unit amenities for sleeping, eating, cooking (more than a microwave), and sanitation.

\*\*\*

## Article VII. Murphy Crossing Refinement Plan

\*\*\*

### 2.7.820 Districts.

\*\*\*

- C. Permitted Land Uses.** Unless otherwise specified in the table below, the land uses listed within the applicable zoning districts within this Development Code must be permitted, subject to the provisions of this code.

\*\*\*

Table 2.7.820.C.

*(Other uses in Table 2.7.820.C remain unchanged)*

Land Use	RS	RM	ME	CG
<b><u>Miscellaneous Uses</u></b>				
<u>Shelters, see BDC 3.6.600</u>	P	P	P	P

\*\*\*

## Article X. Central Oregon Community College (COCC) – Special Planned Districts/Overlay Zone

### 2.7.1004 Permitted and Conditional Uses.

**Table 2.7.1004.A – Permitted and Conditional Uses**  
*(Other uses in Table 2.7.1004.A remain unchanged)*

Land Use	Core Campus Area	Campus Village Area
<b>Other Uses</b>		
<u>Shelters, see BDC 3.6.600</u>	P	P

\*\*\*

## **Article XI. Juniper Ridge Overlay Zone**

### **2.7.2030 Employment Sub-District**

\*\*\*

**Table 2.7.2030.A Permitted Land Uses**

*(Other uses in Table 2.7.2030.A remain unchanged)*

Land Use	Employment Sub-District
<u>*Shelters, see BDC 3.6.600</u>	P

\*\*\*

## **Article XII. Stone Creek Master Planned Development**

\*\*\*

### **2.7.3050 Single-Unit District.**

Development within the Single-Unit District is limited to detached or attached (townhome) single-unit dwellings, duplexes, triplexes, and quadplexes with no more than four dwelling units on a single lot, and shelters.

\*\*\*

### **2.7.3055 Multi-Unit District.**

A. Multi-unit dwellings may be located on platted lots, as zero lot line products, or as units in a condominium or apartment development with shared use of common facilities such as driveways, parking areas, sidewalks, entryways, pedestrian access corridors, open space and lawn areas. Multi-unit dwellings need not have frontage on a public road so long as permanent legal access established through a nonrevocable easement, with provisions for maintenance, is provided to each dwelling unit.

B. Shelters are a permitted use.

\*\*\*

#### **2.7.3060 Public/Community Use Districts.**

There are three public or community use districts within the Stone Creek Master Planned Development, as shown in Figure 2.7.3075.A. One is designated for a public neighborhood park, one for a community recreation facility, and the third is the site of the Silver Rail Elementary School. No other uses are permitted in these districts, except for shelters.

\*\*\*

### **Article XIV. Bend Central District**

\*\*\*

#### **2.7.3200 Bend Central District (BCD).**

\*\*\*

#### **2.7.3220 Land Uses.**

\*\*\*

**Table 2.7.3220**

#### **Permitted Uses in the Bend Central District by Subdistrict**

*(Other uses in Table 2.7.3220 remain unchanged)*

Land Use	1st/2nd Street	3rd Street	4th Street	South
Residential				

**Table 2.7.3220**

**Permitted Uses in the Bend Central District by Subdistrict**

*(Other uses in Table 2.7.3220 remain unchanged)*

Land Use	1st/2nd Street	3rd Street	4th Street	South
<del>*Temporary Housing</del>	<del>L (see subsection (D)(4) of this section)</del>	<del>L (see subsection (D)(4) of this section)</del>	<del>N</del>	<del>L (see subsection (D)(4) of this section)</del>
<b>Miscellaneous</b>				
* <u>Shelters, see BDC 3.6.600</u>	P	P	P	L (see subsection (D)(4) of this section)

\*\*\*

D. Limitations. The following limitations apply to those uses identified as “L” in Table 2.7.3220:

4. ~~Temporary Housing Shelters. Temporary housing is permitted west of 3rd Street. Shelters are not permitted in General Industrial (IG) District but are otherwise permitted in the South Subdistrict.~~

\*\*\*

**2.7.3250 Parking.**

A. In the BCD, the following parking requirements supersede parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces, and in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses. Unless otherwise noted here, other sections of BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, apply.

1. Required Off-Street Parking. The minimum number of required off-street vehicle parking spaces is established below. The number of parking spaces provided by any particular use in ground surface parking lots must not exceed the required minimum number of spaces provided by Table 3.3.300, Required Off-Street Vehicle Parking Spaces, by more than 50 percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, do not apply toward the maximum number of allowable spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number.

a. Residential Uses.

- i. Single-family attached townhomes: one space per dwelling unit.
- ii. Live/work dwelling unit: one space per live-work dwelling unit.
- iii. Residential uses in a mixed-use development, multifamily, micro-units and commercial-ready space used as residential: one-half space per dwelling unit.
- iv. Tandem parking is permitted when the spaces are assigned to the same dwelling unit.
- v. ~~Temporary housing: None.~~

b. Nonresidential uses: one space per 1,000 square feet of floor area.

- i. Exception. Hotels/motels and entertainment uses may use the off-street parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces.

c. Shelters. See BDC 3.6.600, Shelters.

\*\*\*

**Article XIX. Discovery West Master Planned Development**

\*\*\*

**2.7.3750 Large Lot Residential District.**

A. Permitted Uses.

\*\*\*

9. Shelters. See BDC 3.6.600, Shelters.

\*\*\*

**2.7.3760 Standard Lot Residential District.**

A. Permitted Uses.

\*\*\*

9. Shelters. See BDC 3.6.600, Shelters.

\*\*\*

**Article XXI. Petrosa Master Planned Development**

\*\*\*

**2.7.3950 Residential Zoning Districts.**

\*\*\*

**Table 2.7.3950 – Permitted and Conditional Uses**  
*(Other uses in Table 2.7.3950 remain unchanged)*

Land Use	RS	RM	RH
<b>Miscellaneous Uses</b>			
<u>*Shelters, see BDC 3.6.600</u>	<u>P</u>	<u>P</u>	<u>P</u>

\*\*\*

### 2.7.3960 Commercial General.

\*\*\*

**Table 2.7.3960 – Permitted and Conditional Uses**  
*(Other uses in Table 2.7.3960 remain unchanged)*

Land Use	CG
<u>*Shelters, See BDC 3.6.600</u>	<u>P</u>

\*\*\*

### Article XXII. Treeline Master Planned Development.

\*\*\*

### 2.7.4050. Residential Zoning Districts

\*\*\*

**Table 2.7.4050 – Permitted and Conditional Uses**  
*(Other uses in Table 2.7.4050 remain unchanged)*

Land Use	RL	SLO
<u>*Shelters, see BDC 3.6.600</u>	<u>P</u>	<u>P</u>

\*\*\*

### Article XXIII. Easton Master Planned Development

\*\*\*

## 2.7.4150 Residential Zoning Districts.

**Table 2.7.4150 – Permitted and Conditional Uses**  
(Other uses in Table 2.7.4150 remain unchanged)

Land Use	RS	RM	MHO
<b>Miscellaneous Uses</b>			
<u>*Shelters, see BDC 3.6.600</u>	<u>P</u>	<u>P</u>	<u>P</u>

\*\*\*

## 2.7.4160 Commercial General.

\*\*\*

**Table 2.7.4160 – Permitted and Conditional Uses**  
(Other uses in Table 2.7.4160 remain unchanged)

Land Use	CG
<u>*Shelters, see BDC 3.6.600</u>	<u>P</u>

\*\*\*

## Article XXIV. Stevens Ranch Master Planned Development

\*\*\*

## 2.7.4250 Residential

\*\*\*

**Table 2.7.4250.A – Permitted and Conditional Uses**  
(Other uses in Table 2.7.4250.A remain unchanged)

Land Use	RS	RM	RH
<b>Residential Uses</b>			
<u>*Temporary housing</u>	<u>C</u>	<u>C</u>	<u>C</u>
<b>Miscellaneous Uses</b>			
<u>*Shelters, see BDC 3.6.600</u>	<u>P</u>	<u>P</u>	<u>P</u>

\*\*\*

## 2.7.4260 Commercial.

\*\*\*

**Table 2.7.4260.A – Permitted and Conditional Uses**  
*(Other uses in Table 2.7.4260.A remain unchanged)*

Land Use	CL	CG
<b>Miscellaneous Uses</b>		
<u>*Shelters, see BDC 3.6.600</u>	<u>P</u>	<u>P</u>

\*\*\*

## Chapter 3.3 VEHICLE PARKING, LOADING AND BICYCLE PARKING

\*\*\*

### 3.3.300 Vehicle Parking Standards for On-Site Requirements

\*\*\*

**Table 3.3.300**

#### Required Off-Street Vehicle Parking Spaces

*(Other minimum parking requirements in Table 3.3.300 remain unchanged)*

Use	Minimum Requirement
<b>Miscellaneous</b>	
<u>Shelters</u>	<u>See BDC 3.6.600 Shelters</u>

\*\*\*

## Chapter 3.6 SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

### Sections:

**3.6.100 Purpose.**

**3.6.200 Residential Uses.**

**3.6.300 Nonresidential Uses.**

**3.6.400 Temporary Uses.**

**3.6.500 Short-Term Rentals.**

**3.6.600 Shelters.**

\*\*\*

**3.6.200 Residential Uses.**

\*\*\*

**~~O. Temporary Housing.~~ Repealed by Ord. NS-XXXX (Insert ordinance number when adopted).  
(Relocated to BDC 3.6.600, Shelters)**

- ~~1. On-site Management. On-site management must be provided at all times the facility is open for services.~~
- ~~2. Waiting and Intake Area. If waiting or first-come, first-served services are provided, any outdoor, on-site, waiting and intake area must be sized to accommodate the expected number of people to be served.~~
- ~~3. Development Standards. The development standards for the base zone and any overlay zone shall apply to temporary housing uses, unless superseded by standards in this section.~~
- ~~4. Parking. None~~
- ~~5. Compliance. Any temporary housing facility must meet all other applicable requirements of Federal, State, and/or local authorities including but not limited to local Fire Department, building and Environmental Health requirements.~~
- ~~6. Facilities and Services. Temporary housing may provide facilities and services on site including, but not limited to, the following:~~
  - ~~a. Meals and dining areas~~
  - ~~b. Clothing/laundry facilities~~

~~c. Restrooms and showers~~

~~d. Day care facilities~~

~~e. Case management services and information on or referral to other community resources~~

~~f. Overnight and daytime accommodations.~~

\*\*\*

### 3.6.400 Temporary Uses.

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to:

- Seasonal sales
- Farm produce sales
- Temporary real estate sales office or model home
- Temporary building
- Education modular
- ~~Medical Hardship~~ (***Revised and relocated to BDC 3.6.400.H, Hardship Housing***)
- Carnivals/fairs, parking lot sales and warehouse sales
- Hardship Housing
- Temporary Shelter

Unless otherwise permitted, temporary uses ~~shall~~ must comply with this section. Temporary uses not specifically allowed under this section, including but not limited to temporary retail sales and services, in zones where retail sales and services are allowed, are prohibited. The use of a motor home, recreational vehicle,

travel trailer, tent, or similar device as a dwelling unit is also prohibited except as provided in this section.

Provision of “safe parking” as described in the Bend Code is not considered a “dwelling unit” use prohibited by this section, and is allowed as set forth in the Bend Code. “Safe parking” as described in the Bend Code is not a land use decision and is not subject to the Bend Development Code.

\*\*\*

~~F. Medical Hardship Housing. A temporary use permit is required for medical hardship housing. The following standards are applicable to the siting of medical hardship housing.~~

- ~~1. Temporary use permits may be granted in residential zones for relatives of the family residing on the property if the temporary dwelling unit will be used because of a medical problem requiring the use of such a unit. The existence of a medical problem that requires the patient to reside on the same site as his or her relatives shall be supported by the certificate of a medical doctor. The permit shall not exceed one year and may only be renewed with another certificate from a medical doctor.~~
- ~~2. The temporary dwelling unit may be a manufactured dwelling, manufactured home, manufactured structure, or mobile home as defined in BDC Chapter 1.2. No permanent structure or foundation shall be established for the medical hardship housing. Recreational vehicles and trailers are prohibited.~~
- ~~3. The applicant shall obtain required temporary permits for electrical, water and other services as appropriate before the temporary dwelling unit is occupied.~~
- ~~4. All locational standards for structures in the applicable zoning district shall be met (e.g., setbacks, height and lot coverage).~~
- ~~5. The medical hardship housing and all utility connections shall be removed no later than 90 days after the expiration of the permit. Repealed by Ord. NS-XXXX (Insert ordinance number when adopted).~~

\*\*\*

**H. Hardship Housing.** Hardship housing may be used by people who lack housing, or during situations such as a medical emergency or the destruction of a primary dwelling unit by fire, flood or other calamity, subject to a temporary use permit (Type I process) and the following standards:

1. Hardship housing must be located in a residential zone on a property with a permitted residential use.

2. Hardship housing units may be a manufactured dwelling, manufactured home, manufactured structure, mobile home, or recreational vehicle as defined in BDC Chapter 1.2. No permanent structure or foundation can be established for the hardship housing unit. Tents, yurts or other similar structures are not allowed as hardship housing units.
3. A maximum of one hardship housing unit is permitted per lot or parcel.
4. Height and setback standards in the applicable zoning district must be met, except that hardship housing may be placed in the driveway even if the driveway is the required off-street parking space.
5. There is no minimum off-street parking requirement for hardship housing.
6. The applicant must obtain required permits for electrical, water and other services before the hardship housing is occupied.
7. The hardship housing must be connected to sewer or on-site septic or have operable waste storage tank and a contract for pumping or dumping for the duration of the permit or the unit must be drivable or towable such that the holding tanks are able to be emptied off-site. Any dumping of waste onto the ground or into the right-of-way may make the temporary use permit subject to immediate revocation.
8. Hardship housing cannot be used as a short-term rental.
9. Time Limit and Extensions.
  - a. The temporary use permit must not exceed 180 days 18 months unless extended in subsection 3.6.400(H)(9)(b) of this section.
  - b. The temporary use permit may be extended with another temporary use permit when the standards of this section are being met. A total of three extensions may be approved.
  - c. No temporary use permit may be approved after the expiration of the permit for 180 365 days.
  - d. The hardship housing and all associated utility connections must be removed no later than 30 days after the expiration of the permit.

***(Amended by the Planning Commission on March 8, 2022)***

10. A City issued approval sticker must be posted on the hardship housing, visible to the public way when feasible, for the duration of the approval.
11. Payment of any fee, rent or other monetary charge is prohibited with the exception of payment for increased utilities or costs incurred. **(Added by the Planning Commission on March 8, 2022)**
12. Applicant must be the owner or lessee of the residential property. The application must include the signature of the property owner. Applicant must indicate the nature of the hardship & a responsible party who will be using the hardship housing. The permit will be issued for the applicant and the responsible party, and the responsible party's household. **(Added by the Planning Commission on March 8, 2022)**
13. The Planning Director or designee may visit and inspect the site of the hardship housing in accordance with this Chapter periodically to ensure compliance with all applicable regulations, with reasonable notice.
14. Code violations may be processed in accordance with BDC Chapter 1.3, Enforcement or may make the temporary use permit subject to immediate revocation.

**I. Temporary Shelters.** Temporary shelters must be a group shelter, multi-room, or outdoor shelter. A development application is not required. Temporary shelters must comply with the following standards and with the standards in BDC 3.6.600 unless superseded by this subsection:

1. Temporary shelters are permitted in the following zones:
  - a. Residential zones on a lot or parcel with a permitted public or institutional use.
  - b. Commercial, Mixed-Use and Public Facilities Zones.
  - c. Light Industrial (IL) District.
2. Temporary shelters must not exceed a period of 180 days. The temporary use may only be extended by an Emergency Declaration by the City Manager.
3. Good Neighbor Guidelines. The owner or shelter operator of a shelter site must develop good neighbor guidelines and provide them to the shelter clients by incorporating the guidelines into a management agreement between the operator and the shelter clients.

Outreach and communication to adjacent neighbors must be provided for each shelter facility prior to occupancy. Good neighbor guidelines must include, at a minimum, items addressing rules for shelter use, facility operations and maintenance, safety and security provisions.

***(Added by the Planning Commission on March 8, 2022)***

4. The applicant must obtain required permits for electrical, water and other services before the shelter is occupied.
5. The temporary shelter will not impede the normal use of driveways or circulation aisles.
6. There is no minimum off-street parking requirement or design standards for temporary shelters.
7. Driveway approaches and sidewalks are not required for temporary shelters.
8. Any associated structures for the temporary shelter and any mobile units and utility connections must be removed no later than 30 days after the expiration of the temporary use.
9. The temporary shelter must be connected to sewer or if mobile units such as trailers or recreational vehicles, or portable toilet facilities are used, the units must have operable waste storage tank and a contract for pumping or dumping for the duration of the temporary use or the unit must be drivable or towable such that the holding tanks are able to be emptied off-site.
10. Any dumping of waste onto the ground or into the right-of-way is grounds for the City to cause immediate cessation of the temporary use.
11. Temporary group shelters, outdoor shelters and multi room shelters may be located on the same site, provided the standards of this subsection can be met and the standards for the corresponding zoning district can be met.
12. The Planning Director or designee may visit and inspect the site of a temporary shelter in accordance with this Chapter periodically to ensure compliance with all applicable regulations, with reasonable notice.
13. Code violations may be processed in accordance with BDC Chapter 1.3, Enforcement or may make the temporary use subject to immediate cessation.

\*\*\*

### **3.6.600 Shelters.**

Shelters may be a group shelter, outdoor shelter or multi-room shelter.

A. Applicability. Shelters are permitted in the Residential, Commercial, Mixed-Use and Public Facilities Zoning Districts and in the Light Industrial (IL) District.

1. Multi-room and Group Shelters are permitted in the Residential, Commercial, Mixed-Use and Public Facilities Zoning Districts and in the Light Industrial (IL) District.
2. Outdoor shelters are permitted in the following zones:
  - a. Residential zones on a lot or parcel with a permitted public or institutional use, not including utilities (above ground). See BDC Table 2.1.200 – Permitted and Conditional Uses for public and institutional uses.
  - b. Commercial, Mixed-Use and Public Facilities Zones.
  - c. Light Industrial (IL) District.

***(Amended by the Planning Commission on March 8, 2022)***

B. Review Process.

1. Type I Minimum Development Standards Review. The following shelters are reviewed through a Type I Process:
  - a. A building expansion of up to 50 percent of the existing building area or up to 5,000 square feet, whichever is less.
  - b. Expansion of an outdoor shelter use or parking of up to 50 percent of the existing outdoor shelter use area or parking area or up to 5,000 square feet of new outdoor shelter use area or parking area, whichever is less.
  - c. A change of use of a building or property that increases demand on public facilities and/or requires new additional parking spaces. A change of use of a building or property that does not increase demand on public facilities and/or require new additional parking spaces does not require Minimum Development Standards Review or Site Plan Review.
2. Type II Site Plan Review. All other shelters, including an outdoor shelter on a vacant property, are reviewed through a Type II Process.

C. Shelters Standards. Shelters must comply with the following standards:

1. Management. On-site or on-call management must be provided when the shelter is open for services. A permanent sign must be posted with the name of the property owner and management.

and a telephone number where they can be contacted. The sign must comply with one of the following and is exempt from a sign permit:

- a. One nonilluminated wall or window sign limited to two square feet in area and located on or below the first story at a maximum height of 14 feet; or
- b. One permanent freestanding sign not greater than four feet in height with a sign area not exceeding four square feet located at a driveway entrance to the site.

2. Good Neighbor Guidelines. The owner or ~~authorized agent~~ shelter operator of a shelter site must submit evidence with the development application that good neighbor guidelines have been developed & how they will be provided to the ~~residents using the shelter~~ clients, by incorporating the guidelines into a management agreement between the operator & the shelter clients. Additionally, evidence of outreach & communication to adjacent neighbors must be provided for each shelter facility prior to occupancy. Good neighbor guidelines must include, at a minimum, items addressing rules for shelter use, facility operations & maintenance, and safety & security. (Amended by the Planning Commission on March 8, 2022)
3. Restroom. At least one toilet and handwashing station must be provided. Toilet and handwashing stations may be provided through the use of portable units, with a contract for service and/or dumping in place. Portable units must not be located within setbacks and must be screened on at least three sides with an evergreen hedge or solid fence or wall of not less than six feet in height. Portable units must be located for easy access by pick-up/service vehicles. Any dumping of waste onto the ground or into the right-of-way is grounds for the City to cause immediate cessation of the use.
4. Trash Receptacles. Trash receptacles must be provided, must not be located within setbacks and must be screened on at least three sides with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles must be located for easy access by trash pick-up/service vehicles.
5. Waiting and Intake Area. If waiting or first-come, first-served services are provided, any outdoor, on-site, waiting and intake area must be sized to accommodate the expected number of people to be served.
6. Accessibility Requirements. Accessible parking and access to any accessible unit(s) and common areas must be provided for disabled persons, in conformance with the Federal Americans with Disabilities Act (ADA). Accessible parking must comply with BDC 3.3.300.G, ADA Accessible Parking Spaces.

7. Compliance. Shelters must meet all other applicable requirements of Federal, State, and/or local authorities including but not limited to local Fire Department, Building Safety Division, and Environmental Health requirements.
8. Landscaping and Multi-Modal Access and Circulation. BDC 3.2.300, New Landscaping, and 3.1.300, Multi-Modal Access and Circulation do not apply to shelters.
9. On-site Improvements. Required parking areas, aisles and turn-arounds are exempt from the paving standards required by this code. Driveway approaches must comply with City of Bend Standards and Specifications.
10. Development Standards. The development standards for the corresponding zone and any overlay zone apply, unless superseded by standards in this section.
11. Public Improvements. Shelters are required to construct the public improvements, including sidewalks, in compliance with BDC Chapter 4.2, Site Plan Review, Minimum Development Standards Review and Design Review, and BDC Chapter 3.4, Public Improvement Standards except as follows:
  - a. Transportation. The development must have frontage or approved access to a public or private street, but is exempt from the transportation improvement standards of BDC 3.4.200 for street improvements. This exemption does not include sidewalks. Any transportation improvements proposed by the applicant must comply with applicable standards of BDC 3.4.200.
  - b. Water.
    - i. Multi-room and Group Shelters. The City water main must be extended a distance sufficient to establish a standard perpendicular connection into the property or 20 feet, whichever is greater. Water mains must be extended to and through the length of the property frontage when required for fire flow and fire sprinkler services and/or hydrants must be installed when required for site fire protection. All other provisions of BDC 3.4.400 for water service improvements apply.
    - ii. Outdoor Shelter. Water connections must be provided when required by the building code. Any proposed water system must be sized to accommodate additional development within the area as projected by the Water Public Facility Plan, and must connect to existing facilities in accordance with the City's construction specifications as described in the City of Bend

Standards and Specifications. If a water extension is required, the City water main must be extended a distance sufficient to establish a standard perpendicular connection into the property or 20 feet, whichever is greater. Water mains must be extended to and through the length of the property frontage when required for fire flow and fire sprinkler services and/or hydrants must be installed when required for site fire protection.

c. Sewer.

- i. Multi-room and Group Shelters. The City sewer main must be extended a distance sufficient to establish a standard perpendicular service connection into the property or 20 feet, whichever is greater. All other provisions of BDC 3.4.400 for sanitary sewer improvements apply.
- ii. Outdoor Shelter. Sewer connections must be provided when required by the building code. Any proposed sewer systems must be sized to accommodate additional development within the area as projected by the Sewer Public Facility Plan, and must connect to existing facilities in accordance with the City's construction specifications as described in the City of Bend Standards and Specifications. City sewer mains must be extended a distance sufficient to establish a standard perpendicular service connection into the property or 20 feet, whichever is greater.

12. Colocation. Group shelters, outdoor shelter, multi room shelters and temporary shelters may be located on the same site, provided the standards for each type of shelter can be met and the standards for the corresponding zoning district can be met.

13. Storage. Secure storage areas are required. Storage areas not provided in a structure must not be located within setbacks and must be screened on at least three sides with an evergreen hedge or solid fence or wall of not less than six feet in height. (Added by the Planning Commission on March 8, 2022)

D. Facilities and Services. Shelters may provide facilities and services on site including, but not limited to, the following:

1. Meals and dining areas.
2. Clothing/laundry facilities.

3. Showers.
4. Day care facilities.
5. Case management services and information on or referral to other community resources.
6. Overnight and daytime accommodations.
7. Kennel area or open space for domestic animals, subject to management requirements.
8. Overnight camping may be provided in conjunction with a shelter in compliance with BC Chapter 5.70, Safe Parking Programs.
9. Other facilities and services to support the primary shelter use.

**E. Outdoor shelters.**

1. Maximum Number of Mobile and Permanent Units. The maximum number of units is one per each 1,000 square feet of gross acreage. A community building or other shared facility does not affect the maximum allowable units permitted on a site. For purposes of calculating the maximum number of mobile and permanent units, fractional units are rounded down to the next whole unit. (Amended by the Planning Commission on March 8, 2022)
2. Off-Street Parking. A minimum of 0.5 parking spaces per unit for the first 16 units, plus 0.3 spaces per additional unit is required. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.
3. The owner or shelter operator of an outdoor shelter site must submit with the development application a letter or other written documentation from the Bend Park and Recreation District and from the Bend-La Pine School District which indicates that the applicant has met with the Districts to discuss the proposed shelters, and provided the Districts an opportunity to review the proposal. (Added by the Planning Commission on March 8, 2022)

**F. Group Shelters.**

1. Maximum Number of Beds. The maximum number of shelter beds allowed will be determined by the building code standards for occupancy.
2. Off-Street Parking. Minimum 0.25 spaces per bed is required. Where a fractional number of

spaces results, the required number of spaces must be rounded down to the nearest whole number.

**G. Multi-Room Shelters.**

1. Maximum Number of Rooms. The maximum number of rooms per acre allowed in a multi-room shelter are listed in Table 3.6.600(G). For purposes of calculating maximum number of rooms, fractional units are rounded down to the next whole unit. If the site has split zoning, the smaller number applies. Adjustments to this standard are prohibited. **(Amended by the Planning Commission on March 8, 2022)**

**Table 3.6.600.G**

<u>Residential Zone</u>	<u>Maximum Rooms per Acre</u>
<u>Low Density Residential (RL)</u>	<u>24 rooms</u>
<u>Standard Density Residential (RS)</u>	<u>43 rooms</u>
<u>Medium Density Residential (RM-10)</u>	<u>45 rooms</u>
<u>Medium Density Residential (RM)</u>	<u>130 rooms</u>
<u>High Density Residential (RH)</u>	<u>258 rooms</u>
<u>Commercial and Mixed-Use Zoning Districts and LI and PF Districts</u>	<u>258 rooms</u>

2. Off-Street Parking. A minimum of 0.25 spaces per room is required. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.

- H. Existing Uses and Structures.** Uses and structures that are not in conformance with the provisions in this section but that were lawfully established prior to the adoption of this code are considered a permitted use. Expansion or enlargement will be subject to the provisions of BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review.